

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**ANTIOCH BAPTIST CHURCH )  
NORTH, )  
Plaintiff, )  
v. ) Civil Action File No:  
CHURCH MUTUAL )  
INSURANCE COMPANY, )  
Defendant. )**

**NOTICE OF REMOVAL**

NOW COMES Defendant Church Mutual Insurance Company, a foreign company (“Church Mutual”), and pursuant to 28 U.S.C. 1446 gives notice as follows:

1.

Church Mutual is the Defendant in a civil action brought in Superior Court of Gwinnett County, which is within the Atlanta Division of the United States District Court for the Northern District of Georgia.

2.

Plaintiff Antioch Baptist Church North (“Antioch Baptist”) is a Georgia church located at 540 Cameron M. Alexander Boulevard, NW, Atlanta, Georgia.

3.

Defendant Church Mutual is a corporation organized and existing under the laws of the State of Wisconsin with its principal place of business in the State of Wisconsin, as it was at the commencement of the said Civil Action and as it has been thereafter, and at no time has it been organized and existing under the laws of the State of Georgia, nor at any time has its principal place of business been located in the State of Georgia.

5.

This case is a suit for the alleged breach of an insurance contract, seeking alleged damages in excess of Seventy-Five Thousand Dollars (\$75,000.00).

6.

Defendant Church Mutual shows that the amount in controversy in this case exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs which is supported by Plaintiff's claim for insurance coverage for damage to their property, which Plaintiff alleges is no less than \$524, 200.00, and for bad faith penalties pursuant to O.C.G.A. § 33-4-6. [Complaint, p. 11 and 14]. Church Mutual alleges in good faith, after a reasonable attempt to determine the identities of Plaintiff's members, that Church Mutual is diverse from Plaintiff's

members. This Court thus has original jurisdiction under 28 U.S.C. 1332 and, accordingly, this case may be removed to this Court pursuant to 28 U.S.C. 1441(a).

7.

Defendant Church Mutual shows that this case was filed on March 3, 2023 in the Superior Court of Gwinnett County, and that Defendant Church Mutual was served with the Summons and Complaint on March 14, 2023. Defendant Church Mutual shows that this Notice of Removal is filed within thirty (30) days from the date of service on Defendant.

8.

Defendant Church Mutual attaches hereto copies of the entire record in Superior Court of Gwinnett County, as served upon Defendant.

9.

Defendant Church Mutual has given written notice of the filing of this Notice to the Plaintiff by notifying its attorneys of record, Alvin L. Kendall. Defendant Church Mutual has filed a written notice with the Clerk of Superior Court of Gwinnett County, a copy of which is attached.

10.

The undersigned has read this Notice of Removal, and to the best of the undersigned's knowledge, information and belief, formed after reasonable inquiry, it is well-grounded in fact and is warranted by existing law, and that it is not

interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

Respectfully submitted,

BURKE MOORE LAW GOUP, LLP

/s/*Eric R. Mull*

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Georgia Bar No. 556860  
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*Counsel for Church Mutual*

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Counsel for Defendant certifies that this pleading complies with Local Rule 7.1D.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this date a copy of the within and foregoing **NOTICE OF REMOVAL** was served on all counsel of record using the CM/ECF system, which will send e-mail notification to the attorneys of record:

Alvin Kendall  
The Kendall Law Firm  
1133 Cleveland Avenue  
Atlanta, Georgia 30344  
akendall@kendalllawfirm.com

This 4th day of April, 2023.

BURKE MOORE LAW GOUP, LLP

/s/Eric R. Mull  
Eric R. Mull  
Georgia Bar No. 556860

*Counsel for Church Mutual*

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